

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA**

Richard Matthews	:	
	:	
Plaintiff,	:	CIVIL ACTION NO.: 10-cv-1215
	:	
v.	:	
	:	
Runco's Tavern & Grill, Inc., et al	:	
	:	
	:	JURY OF TWELVE (12) JURORS DEMANDED
Defendants	:	

**PLAINTIFF'S OPPOSITION TO DEFENDANT, THOMAS LOGAN'S REVISED
MOTION FOR SUMMARY JUDGMENT**

Plaintiff, Richard Matthews, by and through his undersigned attorneys, Weisberg Law, P.C., hereby files the following opposition to the Defendant, Thomas Logan's Motion for Summary Judgment, and in support thereof, avers as follows:

1. Admitted.
2. Admitted. By way of further answer, Plaintiff's second amended complaint is a writing and, as such, speaks for itself.
3. Admitted.
4. Admitted.
5. Admitted.
6. Admitted.
7. Admitted.
8. Denied. By way of further answer, Plaintiff's second amended complaint is a writing and, as such, speaks for itself.
9. Denied as stated. The allegations set forth in paragraph 9 of Defendant, Logan's motion for summary judgment are conclusions of law to which no response is required. By way of further answer, Plaintiff hereby incorporates his brief and counter statement of facts in opposition to all Defendants' motions for summary judgment.

10. Denied as stated. There is evidence creating an issue of material fact as to whether Logan was acting under color of state law. Specifically, Marjorie Runco testified that Logan identified himself as a police officer and was directing the other Defendants Police Officers in their investigation. [Exh. B, Marjorie Runco Tr. p. 68.] [Exh. A.; Majorie Runco Statement] [Exh. B, p. 21]. By way of further answer, please see Plaintiff's Counter-Statement of Facts. Finally, the allegations set forth in these paragraphs are conclusions of law to which no response is required. By way of further answer, Plaintiff hereby incorporates his brief and counter statement of facts in opposition to all Defendants' revised motions for summary judgment.
11. Denied. The allegations set forth in this paragrapg are conclusions of law to which no response is required. By way of further answer, Plaintiff hereby incorporates his brief and counter statement of facts in opposition to all Defendants' motions for summary judgment.
12. Denied. The allegations set forth in paragraph 9 of Defendant, Logan's motion for summary judgment are conclusions of law to which no response is required. By way of further answer, Plaintiff hereby incorporates his brief and counter statement of facts in opposition to all Defendants' motions for summary judgment.

WHEREFORE, Plaintiff, Richard Matthews, respectfully requests this Honorable Court deny all Defendant, Thomas Logan's revised motion for summary judgment.

WEISBERG LAW, P.C.

/s/ Graham F. Baird, Esquire
Matthew B. Weisberg, Esquire
Graham F. Baird, Esquire
Attorneys for Plaintiff

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CERTIFICATE OF SERVICE

I, Graham F. Baird, Esquire hereby certify that on this 28th day of May, 2013, a true and correct copy of the foregoing Plaintiff's Opposition to the revised Motion for Summary

Judgment filed by Defendant, Logan was served via e-filing upon the following parties:

Anthony R. Sherr, Esq.
Mayers, Mennies & Sherr, LLP
3031 Walton Road
Building A, Suite 330
P.O. Box 1547
Blue Bell, PA 19422-0440

Paul Gregory Lees, Esq.
Marshall, Dennehey, Warner, Coleman & Goggin
1495 Valley Center Parkway
Suite 350
Bethlehem, PA 18017-2342

WEISBERG LAW, P.C.

/s/ Graham F. Baird, Esquire
Matthew B. Weisberg, Esquire
Graham F. Baird, Esquire
Attorneys for Plaintiff